

APPEAL NO. 020071  
FILED FEBRUARY 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 19, 2001. The hearing officer determined that the appellant (claimant) was not injured in the course and scope of employment and did not have disability. The claimant appealed, arguing essentially that the hearing officer's decision reflects bias and is against the great weight and preponderance of the evidence. The claimant argues that the hearing officer erred in admitting medical records that were not his. The respondent (carrier) filed a response, urging affirmance.

DECISION

We reverse and remand.

At the beginning of the CCH, the parties indicated to the hearing officer that they were agreed that the "carrier" in this case was a certified self-insured. The documentary evidence in the case indicates the employer as the "carrier" and shows that adjusting was done by a third-party firm. A form was filed as part of the record and in accordance with new law that shows the employer as the carrier and cites its true corporate name.

However, the records of the Texas Workers' Compensation Commission (Commission) do not show that the employer was approved for self-insurance by the Commission under its true corporate name or its "doing business" name. We therefore reverse and remand for clarification as to the identity of the carrier for purposes of workers' compensation insurance. If the employer maintains that it is self-insured, documentary evidence from the Commission or the Texas Department of Insurance should be presented showing this status. If the proper carrier is not before the Commission as a party in this claim, the hearing officer should take appropriate action.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Commission's Division of Hearings, pursuant to Section 410.202 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

---

Susan M. Kelley  
Appeals Judge

CONCUR:

---

Robert W. Potts  
Appeals Judge

---

Edward Vilano  
Appeals Judge